

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MICHAEL GIAN WILLIAM HABIB,

Defendant.

S3 22 Cr. 618 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On October 25, 2023, Defendant Michael Gian William Habib filed two pretrial motions. Dkts. 94-97. In the first motion, Habib seeks the release of discovery material from the Government under *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Giglio*, 405 U.S. 150 (1972), *Kyles v. Whitley*, 514 U.S. 419 (1995), and 18 U.S.C. § 3500. Dkts. 94-95. In the second motion, Habib seeks a bill of particulars under Federal Rule of Criminal Procedure 7(f). Dkts. 96-97. On October 26, 2023, Habib filed a third pretrial motion, through which he seeks suppression of various evidence. Dkts. 98-99. On November 9, 2023, the Government filed an omnibus opposition to all three motions. Dkt. 102. In addition, the Government has requested that Exhibits A and B to its opposition be filed under seal.

Separately, in response to this Court's Order on November 16, 2023, Dkt. 103, the Government filed a letter explaining its justification for seeking continued sealing of certain material filed in relation to the pretrial motions filed by Habib's co-Defendant, Surinder Cheema. *See* Dkt. 105. Along with the letter, the Government filed redacted versions of certain documents that it had previously requested be filed entirely under seal. *See* Dkt. 105-4, 105-5. By November 29, 2023, the Government shall file a letter explaining whether it continues to request the complete sealing of Exhibits A and B to its opposition to Habib's pretrial motions and, if not, re-file those

Exhibits on the public docket with any proposed redactions. In addition, the Government shall address the justification for any continued sealing or redacted filing of Exhibits A and B. In doing so, the Government should address *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-26 (2d Cir. 2006) and any other controlling authority. If Habib wishes to file a responsive letter on this topic, he may do so by December 4, 2023.

SO ORDERED.

Dated: November 22, 2023
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written in a cursive style.

JOHN P. CRONAN
United States District Judge